

111TH CONGRESS
1ST SESSION

S. 833

To amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

IN THE SENATE OF THE UNITED STATES

APRIL 20, 2009

Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mrs. MURRAY, Mr. LEAHY, Mr. AKAKA, Mr. KENNEDY, Mr. DURBIN, Ms. STABENOW, Mrs. FEINSTEIN, Mr. BINGAMAN, and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Early Treatment for
5 HIV Act of 2009”.

6 **SEC. 2. OPTIONAL MEDICAID COVERAGE OF LOW-INCOME** 7 **HIV-INFECTED INDIVIDUALS.**

8 (a) IN GENERAL.—Section 1902 of the Social Secu-
9 rity Act (42 U.S.C. 1396a) is amended—

1 (1) in subsection (a)(10)(A)(ii)—

2 (A) by striking “or” at the end of sub-
3 clause (XVIII);

4 (B) by adding “or” at the end of subclause
5 (XIX); and

6 (C) by adding at the end the following:

7 “(XX) who are described in sub-
8 section (gg) (relating to HIV-infected
9 individuals);”; and

10 (2) by adding at the end the following:

11 “(gg) individuals described in this subsection are in-
12 dividuals not described in subsection (a)(10)(A)(i)—

13 “(1) who have HIV infection;

14 “(2) whose income (as determined under the
15 State plan under this title with respect to disabled
16 individuals) does not exceed the maximum amount
17 of income a disabled individual described in sub-
18 section (a)(10)(A)(i) may have and obtain medical
19 assistance under the plan; and

20 “(3) whose resources (as determined under the
21 State plan under this title with respect to disabled
22 individuals) do not exceed the maximum amount of
23 resources a disabled individual described in sub-
24 section (a)(10)(A)(i) may have and obtain medical
25 assistance under the plan.”.

1 (b) ENHANCED MATCH.—The first sentence of sec-
 2 tion 1905(b) of the Social Security Act (42 U.S.C.
 3 1396d(b)) is amended by striking “section
 4 1902(a)(10)(A)(ii)(XVIII)” and inserting “subclause
 5 (XVIII) or (XX) of section 1902(a)(10)(A)(ii)”.

6 (c) CONFORMING AMENDMENTS.—Section 1905(a) of
 7 the Social Security Act (42 U.S.C. 1396d(a)) is amended
 8 in the matter preceding paragraph (1)—

9 (1) by striking “or” at the end of clause (xii);

10 (2) by adding “or” at the end of clause (xiii);

11 and

12 (3) by inserting after clause (xiii) the following:

13 “(xiv) individuals described in section
 14 1902(gg);”.

15 (d) EXEMPTION FROM FUNDING LIMITATION FOR
 16 TERRITORIES.—Section 1108(g) of the Social Security
 17 Act (42 U.S.C. 1308(g)) is amended by adding at the end
 18 the following:

19 “(4) DISREGARDING MEDICAL ASSISTANCE FOR
 20 OPTIONAL LOW-INCOME HIV-INFECTED INDIVID-
 21 UALS.—The limitations under subsection (f) and the
 22 previous provisions of this subsection shall not apply
 23 to amounts expended for medical assistance for indi-
 24 viduals described in section 1902(gg) who are only

1 eligible for such assistance on the basis of section
2 1902(a)(10)(A)(ii)(XX).”.

3 (e) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to calendar quarters beginning on
5 or after the date of the enactment of this Act, without
6 regard to whether or not final regulations to carry out
7 such amendments have been promulgated by such date.

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